

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
vs.) NO. 04-30034-MAP
)
MICHAEL CROOKER)

DEFENDANT'S FIRST MOTION IN LIMINE

The court has ruled on pages 8 and 9 of its Memorandum re: Defendant's Motion to Reconsider/For Clarification of Defendant's Motion to Dismiss:

The question before the jury when this case goes to trial will be whether the defendant knew that this particular device had the capacity to muffle the report of a firearm when he transported it. (emphasis in original)

Therefore, the defendant moves in limine to prevent any and all testimony or evidence that relates to any firearm or firearm device other than the particular device charged in this case, or any testimony or evidence concerning defendant's generalized knowledge of firearms or firearm devices other than the particular device in this case.

Such testimony or evidence would not be relevant and would be prejudicial. It would not be relevant unless it related directly to the actual device in this case allegedly transported by Crooker. It would be prejudicial because Crooker is a former felon. Former felon status is an element of the current offense. Almost all persons know that such status makes it unlawful to possess firearms in general.

Respectfully submitted,
THE DEFENDANT

BY: /s/ Vincent A. Bongiorno
Vincent A. Bongiorno, Esq.
95 State Street, Ste 309
Springfield, MA. 01103
(413) 732-0222
BBO #049040

CERTIFICATE OF SERVICE

I, Vincent A. Bongiorno, Esq., do hereby certify that I have served a copy of the foregoing via CM/ECF to the Assistant United States Attorney, Kevin O'Regan, United States District Court, 1550 Main Street, Springfield, MA. 01103 this 13th day of April 2006.

/s/ Vincent A. Bongiorno